

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**GREGORY SHANE KINNARD, JR.,**        )  
    )  
    )  
**Plaintiff,**                                )      **Civil No. 18-298**  
    )  
    )      **Judge Marilyn J. Horan/**  
**v.**    )      **Magistrate Judge Maureen P. Kelly**  
    )  
**PA. DEPT. OF CORRECTIONS, et al.,**    )  
    )  
    )  
**Defendants.**                              )

**MEMORANDUM ORDER**

This case has been referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72 of the Local Rules for Magistrate Judges.

On July 24, 2019, the Magistrate Judge issued a Report and Recommendation, ECF No. 60, recommending that Defendants' Motion to Dismiss, ECF No. 46, be granted, that Plaintiff's state law claims be dismissed without prejudice, and that all other claims be dismissed with prejudice. The parties were advised that written objections to the Report and Recommendation were due by August 7, 2019, and for non-ECF filers, such as Plaintiff, Objections were due by August 12, 2019. Plaintiff timely mailed Objections on August 12, 2019, which were filed on the docket on August 15, 2019. ECF No. 61. Plaintiff's Objections do not undermine the recommendation of the Magistrate Judge.

Accordingly, after *de novo* review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 27<sup>th</sup> day of August, 2019, it is hereby ORDERED as follows:

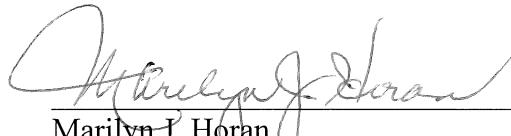
- The Magistrate Judge's Report and Recommendation, ECF No. 60, dated July 24, 2019, is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss, ECF No. 46, is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's claims arising under state law are DISMISSED without prejudice. Plaintiff's remaining claims are DISMISSED without leave to amend. The Court determines that permitting amendment of the remaining claims would be futile.

The Amended Complaint is hereby DISMISSED and the Clerk of Court shall mark this case CLOSED.

By the Court:



Marilyn J. Horan  
Marilyn J. Horan  
United States District Judge

cc: Gregory Shane Kinnard, Jr., pro se  
EV-9358  
SCI - Coal Township  
1 Kelley Drive  
Coal Township, PA 17866